

AARON J. MALO, Cal. Bar No. 179985  
[amalo@sheppardmullin.com](mailto:amalo@sheppardmullin.com)  
ANASTASIA K. BILLY, Cal Bar No. 210416  
[abilly@sheppardmullin.com](mailto:abilly@sheppardmullin.com)  
SHEPPARD, MULLIN, RICHTER & HAMPTON LLP  
650 Town Center Drive, 10<sup>th</sup> Floor  
Costa Mesa, California 92626-1993  
Telephone: 714.513.5100  
Facsimile: 714.513.5130

JEFFREY W. SHIELDS, admitted *pro hac vice*  
[jshields@rqn.com](mailto:jshields@rqn.com)

RAY QUINNEY & NEBEKER P.C.  
36 South State Street, Suite 1400  
Salt Lake City, Utah 84111  
Telephone: 801.323.3374  
Facsimile: 801.532.7543

Attorneys for Creditor  
MAGLEBY CATAXINOS & GREENWOOD, PC

UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF CALIFORNIA, SANTA ANA DIVISION

In re:  
HEARTWISE, INC.,  
Debtor.

Case No. 8:20-bk-13335-SC

Hon. Scott C. Clarkson  
Chapter 11

**MAGLEBY, CATAXINOS &  
GREENWOOD, PC'S REQUEST FOR  
EXTENSION OF DEADLINE TO  
SUBMIT BRIEFS REGARDING  
CLAIM TO FUNDS HELD IN  
COURT'S REGISTRY**

1 Pursuant to the *Order On Vitamins Online, Inc.’s Ex Parte Emergency Motion To*  
2 *Collect Funds From The Court’s Registry* entered on October 31, 2024 [Dkt. 956] (the  
3 “Briefing Order”), Magleby, Cataxinos & Greenwood, PC (“MCG”) hereby requests an  
4 extension of the deadline to file and serve briefs set forth therein.

5 Specifically, MCG requests an extension through and including December 4, 2024  
6 to file and serve a brief pursuant to the Briefing Order. This represents a two-week  
7 extension beyond the current deadline of November 18, 2024, plus an additional two days  
8 due to the Thanksgiving holiday that falls during that two-week period.

9 As set forth in the Briefing Order, MCG understands that if this extension is  
10 granted, it will apply to all parties.

11 Good cause exists for this extension given the approximately two weeks between  
12 the October 16, 2024 hearing on the underlying motion, and entry of the Briefing Order on  
13 October 31, 2024. The Court had indicated at the hearing that the parties should have  
14 thirty (30) days to prepare and submit their briefs. [See Transcript of October 16, 2024  
15 hearing, Dkt. 948, at 50:3-16.] Due to the dispute between the parties regarding the form  
16 and content of the order, however, the precise requirements for those briefs remained  
17 unclear until the Briefing Order was entered on October 31, 2024. Therefore, extending  
18 the deadline for submission of briefs by two weeks will be consistent with the Court’s  
19 expressed intention, and will allow all parties sufficient time to prepare briefs consistent  
20 with the final requirements of the Briefing Order.

21 The Briefing Order also expressly provides that any party may request an extension  
22 of the deadline to submit briefs, so long as that request is filed by no later than November  
23 13, 2024.

24 Accordingly, MCG respectfully requests that the deadline to submit briefs pursuant  
25 to the Briefing Order be extended to (and including) December 4, 2024.

1 Respectfully submitted,

2 November 12, 2024

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

3  
4 By

/s/ Aaron J. Malo

AARON J. MALO

ANASTASIA K. BILLY

Attorneys for

MAGLEBY CATAXINOS & GREENWOOD, PC

**PROOF OF SERVICE OF DOCUMENT**

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 650 Town Center Drive, 10<sup>th</sup> Floor, Costa Mesa, California 92626

A true and correct copy of the foregoing document entitled (*specify*):

**MAGLEBY, CATAXINOS & GREENWOOD, PC'S REQUEST FOR EXTENSION OF DEADLINE TO SUBMIT BRIEFS REGARDING CLAIM TO FUNDS HELD IN COURT'S REGISTRY**

will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):**

Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On November 12, 2024, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

- See attached NEF List

☒ Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:**

On \_\_\_\_\_, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on

attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served):

Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on November 12, 2024, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Hon. Scott C. Clarkson  
United States Bankruptcy Court, Central District of California  
Ronald Reagan Federal Building and Courthouse  
411 West Fourth Street, Suite 5130 / Courtroom 5C  
Santa Ana, CA 92701-4593  
(Service Method: Personal Delivery to drop box of Judge Clarkson)

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

November 12, 2024

/s/ Marsha Linker

Date

Signature

**NEF LIST**

- **Adam S Affleck** adam-affleck@rbmn.com, jennifer-franklin@rbmn.com
- **Michael Jay Berger** michael.berger@bankruptcypower.com, yathida.nipha@bankruptcypower.com; michael.berger@ecf.inforuptcy.com
- **Steven H Bergman** steven-bergman@rbmn.com, penny-edwards@rbmn.com, info@bergmanesq.com
- **Anthony Bisconti** tbisconti@bklwlaw.com, 7657482420@filings.docketbird.com; docket@bklwlaw.com
- **Jared Glicksman** jglicksman@yocca.com
- **Nancy S Goldenberg** nancy.goldenberg@usdoj.gov
- **Matthew Grimshaw** mgrimshaw@marshackhays.com, mgrimshaw@ecf.courtdrive.com; alinares@ecf.courtdrive.com
- **Eve H. Karasik** ehk@lnbyb.com
- **Steven J. Katzman** skatzman@bklwlaw.com, 7657482420@filings.docketbird.com; docket@bklwlaw.com
- **Aaron J Malo** amalo@sheppardmullin.com, abilly@sheppardmullin.com;mlinker@sheppardmullin.com
- **Kathleen P March** kmarch@bkylawfirm.com, kmarch3@sbcglobal.net, kmarch@sbcglobal.net
- **Carlos A Nevarez** cnevarez@bklwlaw.com, 7657482420@filings.docketbird.com; docket@bklwlaw.com
- **Misty A Perry Isaacson** misty@ppilawyers.com, ecf@ppilawyers.com; pagterandperryisaacson@jubileebk.net
- **Douglas A Plazak** dplazak@rhlaw.com
- **Seth A Safier** seth@gutridesafier.com
- **Jeffrey Weston Shields** jshields@rqn.com, docket@rqn.com; ecasaday@rqn.com; 5962725420@filings.docketbird.com
- **Annie Y Stoops** annie.stoops@afslaw.com, yvonne.li@afslaw.com; mia.ferguson@afslaw.com
- **K. Luan Tran** kluantran@gmail.com, tle@kslaw.com
- **United States Trustee (SA)** ustpreion16.sa.ecf@usdoj.gov
- **David Wood** dwood@marshackhays.com, dwood@ecf.courtdrive.com; lbuchananmh@ecf.courtdrive.com; spineda@ecf.courtdrive.com; alinares@ecf.courtdrive.com